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Attorney for Defendant Lyft, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ETHAN RODRIGUEZ, individually,

Plaintiff,

v.

LYFT, INC. a Foreign Corporation; DOE
DRIVER; DOES I through X, inclusive;
ROE CORPORATIONS XI through XX,
inclusive,

Defendants.

Case No.

**DEFENDANT LYFT, INC.'S PETITION
FOR REMOVAL**

Defendant Lyft, Inc. (hereinafter "defendant"), by and through its attorneys of record Selman Breitman LLP, hereby submits the following Statement of Removal.

1. The date on which you were served with a copy of the complaint.

Response: Service of plaintiff's complaint upon defendant was made by acceptance of service through CT Corporate System on January 8, 2021 (see attached Exhibit A). Defendant was first named as the defendant party to this suit by way of plaintiff's complaint. A responsive pleading has been filed on January 29, 2021 (see attached Exhibit B).

2. The date on which you were served with a copy of the summons.

Response: Service of Summons to plaintiff's complaint upon defendant was made through CT Corporate System on January 8, 2021 (see attached Exhibit A).

3. In removals based on diversity jurisdiction, the names of any served defendants who are citizens of Nevada, the citizenship of the other parties, and a summary of defendant's evidence of the amount in controversy.

Response: Removal is based on the amount in controversy and diversity jurisdiction/citizenship.

According to plaintiff's complaint, plaintiff was at all times relevant to this action, a resident of Clark County, State of Nevada.

Defendant Lyft, Inc., is and was, at all times relevant, a Delaware corporation with its principal place of business in the State of California.

The allegations in plaintiff's complaint include:

- "That Plaintiff ETHAN RODRIGUEZ (hereinafter "Plaintiff") is, and at all times mentioned herein, was, a resident of the County of Clark, State of Nevada."
- "That Defendant LYFT, INC. is, at all times mentioned herein, was a foreign Corporation, licensed to do business in the County of Clark, State of Nevada."
- "That Defendant DOE DRIVER was at all time mentioned herein a resident of the State of Nevada."¹

Based upon plaintiff's complaint, plaintiff seeks the following:

- "As a direct and proximate result of the negligence of Defendants, Plaintiff sustained injuries, all or some of which conditions may be permanent and disabling, and all to Plaintiff's damage in a sum in excess of \$15,000."²

4. If your notice of removal was filed more than 30 days after you first received a copy of the summons and complaint, the reason removal has taken place at this time and the date you first received a paper identifying the basis for removal.

Response: Not applicable.

¹ A district court analyzes jurisdiction "on the basis of the pleadings filed at the time of removal without reference to subsequent amendments." *Sparta Surgical Corp. v. Nat'l Ass'n of Sec. Dealers, Inc.*, 159 F.3d 1209, 1213 (9th Cir. 1998); *see also* Court Reform and Access to Justice Act of 1988 H.R. 4807. 100th Congr. 2d Sess. (codified as amended at 28 U.S.C.), at § 909(a) ("For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.").

² Amount in controversy is also based upon plaintiff's prior policy limit demand presented to defendant prior to commencement of this present litigation.

- 1 **5. In actions removed on the basis of the court's jurisdiction in which the state court**
2 **action was commenced more than one year before the date of removal, the**
3 **reasons this action should not be summarily remanded to the state court.**

4 Response: Not Applicable.

- 5 **6. The name of any defendant known to have been served before you filed the notice**
6 **of removal who did not formally join in the notice of removal and the reasons they**
7 **did not.**

8 Response: Not Applicable.

9
10 DATED: February 8, 2021

SELMAN BREITMAN LLP

11
12 By:

/s/ Dana Jonathon Nitz

DANA JONATHON NITZ

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Attorney for Defendant Lyft, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of SELMAN BREITMAN LLP and, pursuant to Local Rule 5.1, I sent via first class mail, postage prepaid, a true and correct copy of the above and foregoing **DEFENDANT LYFT, INC.'S NOTICE OF REMOVAL OF ACTION TO THE UNITED STATES DISTRICT COURT OF NEVADA**, this 8th day of February 2021.

/s/ Crystal Martin

CRYSTAL MARTIN

An Employee of Selman Breitman LLP